REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to the claim objections regarding claims 15, 17 and 22 under 37 C.F.R. §1.75(c), claim 15 has been amended so as to depend only from claim 1 – while claims 17 and 22 now depend only from claims 15 or 16 – neither of which is itself also multiply dependent.

Accordingly, all outstanding formality-based issues are now believed to have been resolved in the applicants' favor.

The rejection of claims 1-3, 6-8, 11-13, 15, 18, 19, 21 and 23 under 35 U.S.C. §103 as allegedly being made "obvious" based on Ratcliff' 438 in view of Ronkka '766 is respectfully traversed.

The Examiner is thanked for providing an extensive "response to arguments" section bridging pages 2-4 of the final office action. In those remarks, the Examiner appears to criticize the phrase "associated with" as being a less positive claim requirement or limitation than contemplated by the applicants' earlier arguments. It is noted that this Examiner comment was made with respect to both claims 1 and 18, but the apparently criticized language is found only in independent claim 1. Independent claim 1 has been amended above so as to eliminate the phrase "associated with" in favor of

the perhaps more definite term "defining." Clearly, the applicants' exemplary embodiments provide executable computer program code defining the first operating system as one that is arranged to receive all data incoming through the network interface and to forward to the second operating system those received data not specifically for use by the first operating system or applications running thereon. Furthermore, the applicants' exemplary embodiments provide a first proxy driver program and network interface driver program for the first operating system for communicating data with the network interface – while the second operating system, instead of the network interface driver program, includes a second proxy driver program for communicating with the first proxy driver program. Data incoming through the network interface and not for use by the first operating system is forwarded to the second operating system via the first and second proxy driver programs. See, for example, the original specification at page 13:16-20, original claim 5 and page 11:15 through 12:14. Amendments have been made to independent claims 1, 21 and 23 to further emphasize these features.

In spite of the Examiner's reluctance to interpret applicants' claim limitations as argued, the Examiner does go on "for the sake of argument" to consider the alleged obviousness of such a system, in any event, based on assertions regarding the Ratcliff and/or Ronkka teachings. With respect, it is believed that the Examiner's understanding of these references is incorrect.

The Examiner argues that although Ratcliff arguably does not disclose the feature that a single operating system partition is responsible for the management of incoming and outgoing data, this is an obvious solution. Applicants respectfully disagree.

Ratcliff discloses a processing system having a singe host-to-network interface that enables a LAN connection from multiple partitions (see Fig. 2). Ratcliff expressly discloses that applications in each partition may directly communicate with the computers of the LAN (4:35-38). There is no suggestion in Ratcliff that only one selected partition should be (or could be) enabled to communicate with the network interface, while all other partitions communicate with the network via the selected partition only. In other words, Ratcliff positively teaches away from the presently claimed invention.

Nevertheless, independent claims 1, 21 and 23 have been amended to better emphasize this distinction. Independent claim 18 (after correction of an obvious typographical error) already requires all incoming data packets to be received by the first operating system – which then forwards to the second operating system those packets not for use by the first operating system. Independent claims 1, 21 and 23 clearly require not only that the first operating system has exclusive control of the management of incoming/outgoing data, but also that all incoming/outgoing data is channeled through the first operating system ("all data incoming"; "all outgoing data"). The second

operating system in claims 1, 21 and 23 is effectively disabled from directly communicating with the network interface ("the second operating system, instead of a network interface driver program, comprises a second proxy driver program for communicating with the first proxy driver program"). Clearly these features are nowhere disclosed or suggested by Ratcliff.

Ratcliff also nowhere discloses or suggests a transmission scheduler which is arranged to selectively enable the first operating system and the second operating system to transmit data via the network interface, as required by applicants' independent claims 1, 21 and 23.

Ronkka discloses that a first operating system may be responsible for mobile station functions, while a second operating system may be responsible for data processing functions.

The presently claimed invention fundamentally differs from Ronkka in that, *inter alia*, both the first and second Ronkka operating systems are equally intended to transmit/receive their own data to/from an internal network. In other words, the first and second operating systems each have their own dedicated communication channel with the external network.

In order to emphasize this distinction, independent claims 1, 21 and 23 now recite the feature of a transmission scheduler which is arranged to selectively enable the first operating system and the second operating system to transmit data via the network interface of the first operating system. Claim 18 already requires both operating systems to share access to a common network interface for all data received from the network. In other words, according to these claims, either the first operating system or the second operating system is enabled to communicate data with an external network. This is clearly different from Ronkka where the first operating system has exclusive access to the mobile network, i.e., is always enabled to transmit data.

For the sake of completeness, it is noted that the second operating system in Ronkka could be considered to make data available to the first operating system for onward transmission to the mobile network. However, even in this case, the first operating system is scheduled (enabled) to transmit data. Ronkka simply does not envision any kind of scheduling between transmissions of the first and second operating systems, as required by the applicants' presently pending independent claims 1, 21 and 23.

Even a combination of Ratcliff and Ronkka would not arrive at the claimed combination of features. Ratcliff discloses that different operating systems each directly communicate with the computers of a network. Ronkka discloses that one of two

operating systems has permanent access to the network, while the other operating system has no access at any time.

Even if these teachings were combined *arguendo*, the skilled person would not arrive at a system in which different operating systems each may directly communicate with a network – but rather are forced to do so via respective communication channels that pass through a selected one of the operating systems.

Instead, by applying the teaching of Ratcliff to Ronkka, the skilled person would enable both the first and second operating systems to directly communicate with the network, namely, via a host-to-network interface 51 as shown in Fig. 2 of Ratcliff.

Conversely, by applying the teaching of Ronkka to Ratcliff, the skilled person would dedicate one of the operating systems to perform communications with the network, while dedicating the other operating system to perform internal data processing operations.

Either way, such combination would not teach the skilled person to enable all operating systems to communicate with the network, but instead to schedule network access between them, and to channel all communications through a selected one of the operating systems.

Given such fundamental deficiencies of both cited references with respect to the above-discussed aspects of the independent claims, it is not necessary at this time to discuss additional deficiencies of this allegedly "obvious" combination of references with respect to other aspects of the rejected claims. Suffice it to note that, as a matter of law, it is impossible to support even a *prima facie* case of "obviousness" unless the cited prior art teaches or suggests each and every feature of the rejected claim(s).

The rejection of claim 16 under 35 U.S.C. §103 as allegedly being made "obvious" based on Ratcliff/Ronkka in further view of Tanenbaum is also respectfully traversed.

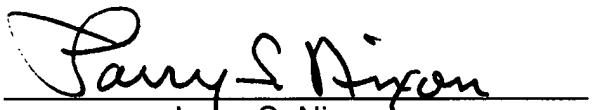
Fundamental deficiencies of Ratcliff/Ronkka have already been noted above with respect to parent claim 1. Tanenbaum does not supply those deficiencies.

While applicants have never claimed invention in the use of a UDP/IP protocol stack *per se*, neither Tanenbaum nor any of the other cited art teaches the use of such protocol stack in the claimed context when it is properly considered "as a whole." Under 35 U.S.C. §103, it is improper to consider the applicants' claimed invention in piecemeal fashion and use the recited claim features as a template for finding bits here and there scattered throughout the prior art followed by a *pro forma* conclusory allegation of obviousness. Instead, applicants' claimed invention must be considered "as a whole" under 35 U.S.C. §103.

Accordingly, this entire application is now believed to be in allowable condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
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